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**FACSIMILE COVER SHEET**

To Examiner: Andy Huynh	Total Pages Sent: 4
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

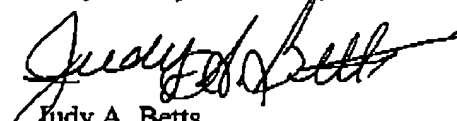
Applicant:	Chi, <i>et al.</i>	Docket No.:	TSM03-0422
Serial No:	10/718,920	Art Unit:	2818
Date Filed:	11/21/2003		
Title:	Modification of Carrier Mobility in a Semiconductor Device		

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I hereby certify that the following papers are being transmitted by facsimile to the U.S. Patent and Trademark Office at (703) 872-9306 on the date shown above:

- Facsimile Transmission Certification (1 page)
- Provisional Election with Traverse (3 pages)

Respectfully submitted,

  
Judy A. Betts  
Legal Assistant

Confirmation Respectfully Requested

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Chi, *et al.* Docket No.: TSM03-0422  
Serial No: 10/718,920 Art Unit: 2818  
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Title: Modification of Carrier Mobility in a Semiconductor Device

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## PROVISIONAL ELECTION WITH TRAVERSE

Dear Sir:

In an Office Action dated February 3, 2005, Examiner has required election between Group I, claims 1 – 16 and Group II, claims 17 – 32. Applicants provisionally elect Group I, claims 1 – 16 with traverse and respectfully request reconsideration and withdrawal of the restriction requirement based upon the following response.

Claim 1 is a device claim. Claim 17 is a method claim. A review of the elements of claim 1 and the corresponding elements of claim 17 makes quite clear that these claims nonetheless relate to a single invention. In the following table, claim 1 and claim 17 are compared side-by-side. Claim limitations that are identically common to both claims are shown in underlined font. The minimal differences between the claims are shown in **bold** font:

Claim 3	Claim 17
<u>an active area having a length delineated by two opposed termini and a width delineated by two opposed sides;</u>	<u>forming an active area having a length delineated by two opposed termini and a width delineated by two opposed sides;</u>
<u>a channel in the active area between the sides thereof, wherein the active area and the channel comprise a residual lengthwise stress; and</u>	<u>forming a channel in the active area between the sides thereof, wherein the active area and the channel comprise a residual lengthwise stress; and</u>
a first deformation in one side of the active area for selectively enhancing or reducing the residual lengthwise stress in the channel by producing additional lengthwise tensile or compressive force in the active area.	<u>forming a first deformation in one side of the active area to selectively enhance or reduce the lengthwise stress in the channel by producing additional lengthwise tensile or compressive force in the active area.</u>

As the above table shows, the primary difference between claim 1 and claim 17 is that claim 17 recites "forming" each of the recited structural elements of claim 1. Quite simply put, claim 17 recites a method for making the device of claim 1 and is neither independent nor distinct from claim 1.

Particularly in light of the fact that only two independent claims have been presented for examination and, as shown above, these two claims are almost identical in wording, Applicants believe that no showing of *serious burden*, as required under MPEP § 803 has been made or, in the alternative, the *prima facie* showing has been effectively rebutted in this response. As such, the restriction requirement should be withdrawn. Claims 2 - 16 depend from claim 1 and claims 18 - 32 depend from claim 17 and, hence, the above response applies to those claims as well.

Applicants respectfully request that the restriction requirement be withdrawn and that the present application be passed to issuance.

Respectfully submitted,



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